IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 1117/2001

THE STATE OF RAJASTHAN & ORS.
Vs.
SHRI SURENDRA S. RAI & ORS.

Date: 30.11.2006.

HON'BLE MR. K.S. RATHORE, J.

Mr. B.S. Chhaba, Addl. G.A. for the petitioners.
Mr. V.K. Mathur for the respondent/s.

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This writ petition is directed against the order dated 14.12.99 passed by the Rajasthan Civil Services Appellate Tribunal, Jaipur (for short 'the Tribunal'), by which the Tribunal while accepting the appeal has directed to promote the respondent No.1 Shri Surendra S. Rai from the post of Executive Engineer to the post of Superintending Engineer against the quota of year 1998-99 with all consequential benefits.

In the considered view, the directions which are given by the Tribunal are per se illegal. At the most, the Tribunal can direct the petitioners to consider the case of the respondent for promotion on the post of Superintending Engineer against the year 1998-99 from the date his juniors have been given

promotion and for that purpose, the petitioners can hold the review DPC.

In view of the aforesaid observations, the present writ petition stands partly allowed and the impugned order dated 14.12.99 passed by the Rajasthan Civil Services Appellate Tribunal, Jaipur is herewith quashed and set-aside. The petitioners are directed to consider the case of the respondent for promotion on the post of Superintending Engineer against the year 1998-99 from the date his juniors are given promotion on the said post by holding a review DPC and if the respondent is otherwise found suitable, he may be given the benefit of promotion. Since the respondent is retiring from service today i.e. 30.11.2006, he will get only notional benefits if he is found suitable for promotion by the review DPC and retiral benefits only.

(K.S. RATHORE),J.

/KKC/